



Tennessee County Services Association

Representing Tennessee's County Executives, County Highway Officials, and County Commissioners since 1954

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Pat Mitchell
Executive Secretary

July 31, 2002

U. S. Department of Transportation
Dockets Management Facility
Room PL-401
400 Seventh Street, SW
Washington, DC 20590

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DEPT OF TRANSPORTATION

Re: FHWA Docket No. FHWA-99-5933-524
Statewide Transportation Planning; Metropolitan Transportation Planning Supplemental
Notice of Proposed Rulemaking

To Whom It May Concern:

On behalf of the Board of Directors and the membership of the Tennessee County Services Association (a nonprofit, nonpartisan organization representing Tennessee's 95 county governments), I am writing to express our opposition to the Supplemental Notice of Proposed Rulemaking (SNPRM) issued on June 19, 2002, and to express our strong preference for the May 23, 2002, proposed rule.

The Tennessee Department of Transportation (TDOT) does not consult with local highway officials in the TEA-21 planning and funding process. This TDOT practice of excluding local governments, which maintain eighty-two percent (82%) of the public highways, roads and streets in Tennessee, seems rather ridiculous and a direct contradiction of what would be considered "best practices of planning and management."

Our Association's specific objections to the Supplemental Notice of Proposed Rulemaking includes the following:

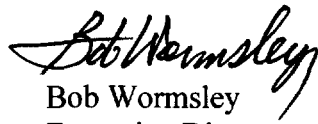
- The SNPRM deletes the definition of "non-metropolitan local officials," allowing each state to determine who is a local official and with whom they want to consult.
- The SNPRM changes the definition of consultation by deleting the requirement that this be done "in accordance with an established process." It is essential that there be an established process in each state.
- The SNPRM deletes the requirement that each state work in partnership with local officials in developing what the consultation process will be. In order that the process has credibility, local officials should have the opportunity to participate in the development of the process.

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- The SNPRM deletes the provision that allows FHWA to consider local official participation when certifying each state's statewide transportation program (STIP). Without this provision, non-metropolitan local officials have no ability to raise their concerns about the effective-ness of the consultation process.

Members of Congress are fond of saying in speeches to local government officials that "local government is where the rubber meets the road" which, we at the local level, believe is an accurate statement. FHWA's failure to promulgate rules that include a participating role for elected and appointed local officials in the TEA-21 planning and funding process relegates that statement to a cliché. Accordingly, the Tennessee County Services Association and our affiliate association, the Tennessee County Highway Officials Association, joins with the National Association of Counties (NACo) to urge your favorable consideration of adopting the May 2000 regulations.

Respectfully submitted,


Bob Wormsley
Executive Director

cc: Tennessee Congressional Delegation
Larry Naake, NACo Executive Director
TCHOA Board of Directors